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Trademarks & Copyrights

You Have a Trademark Registration, Now What?

Legal Update

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A trademark registration is important protection. But the registration is only as good as its enforcement.

A trademark must only identify one source. A trademark owner is obligated to keep others from using the same or similar marks to identify any other source, or the trademark will cease to serve as a single-source identifier. In other words, it will no longer function as a trademark.

Once you have started using your trademark or received a trademark registration, you should put a watch service into place. Watch services comb the applications filed in the trademark offices of the countries you designate to see whether third parties have filed for trademarks that are similar to yours. If the watch identifies an application for a mark that is confusingly similar to yours, your company or trademark attorney should send a cease and desist letter to keep the applicant from using and registering the mark. If letters fail to get the infringer to abandon their application, you can also oppose the application before the Trademark Trial and Appeal Board. Watch services cost a few hundred dollars per year per mark.

Depending on the nature and size of your company, you may also want to sign up for a monitoring service. Monitoring services crawl the internet looking for online use of your mark. These cost quite a bit more than watch services, but considering the widespread use of the internet for commerce, they may be an even more important protection measure. As with watch services, these can be monitored for infringing use of your mark. They also can be used for detecting counterfeit and other online abuses. Infringing use should also be followed by cease and desist letters. Most matters can be resolved short of filing a federal lawsuit.

Please contact us if you would like assistance with setting up a watch or monitoring service.